

*In the Matter Of:*

Application of H.D. Auston & Son, Inc. v

In Re:

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James Fritzsche

March 19, 2015

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BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2014-474-T

IN RE: Application of H.D. Auston & Sons, Inc.,  
d/b/a H.D. Auston Moving & Storage to Amend  
Scope of Authority and Name on Class  
(Household Goods) Certificate No. 205-D

TELEPHONE  
DEPOSITION OF: JAMES B. FRITZSCHE

DATE: March 19, 2015

TIME: 10:04 a.m.

LOCATION: Law Offices of Adam and Reese, LLP  
1501 Main Street, 5th Floor  
Columbia, SC

TAKEN BY: Counsel for the Applicant

REPORTED BY: Christina Essi Pagano,  
Registered Professional Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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APPEARANCES OF COUNSEL:

ATTORNEYS FOR H.D. AUSTON & SONS, INC.:

ADAMS AND REESE, LLP  
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ATTORNEYS FOR STATE OF SOUTH CAROLINA OFFICE  
OF REGULATORY STAFF:

STATE OF SOUTH CAROLINA OFFICE OF  
REGULATORY STAFF  
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JAMES B. FRITZSCHE

being first duly sworn, testified as follows:

EXAMINATION

BY MR. PRINGLE:

Q. Good morning. My name is Jack Pringle, with the firm Adams and Reese and I am counsel for H.D. Auston & Sons in an application before the Public Service Commission, Caption Docket Number 2014-474-T. And this is going to be the telephone deposition of Mr. Jim -- and I may get your name wrong, so you can correct me in a second -- Fritzsche --

A. You nailed it.

Q. Okay, excellent. Fritzsche. And let me just start off by getting you to state your full name and business address.

A. My full name is James Brian Fritzsche and my business address is 3539 Pelham Road, Greenville, South Carolina 29615.

Q. Okay. Who do you work for and what do you do?

A. I work for Berkshire Hathaway Home Services C. Dan Joyner Realtors here in Greenville as a broker and a broker owner and company owner for 30 years now.

1 Q. Okay. Just as an aside, when did  
2 Berkshire Hathaway become part of the -- or, when  
3 did Dan Joyner Realty become part of the Berkshire  
4 Hathaway family?

5 A. 13 months ago.

6 Q. I knew it was --

7 A. Prudential was -- you know, has been  
8 trying to sell their franchise for years and years  
9 and finally Warren Buffet bought them about two and  
10 a half years ago and then C. Dan Joyner along with  
11 Prudential decided to align themselves with  
12 Berkshire Hathaway going forward, gone to the  
13 wayside.

14 Q. Sure. And presumably Warren Buffet and  
15 Berkshire Hathaway have sufficient resources to  
16 help your organization, at least I've heard?

17 A. Absolutely, yeah. It can't hurt to  
18 have a stock behind you that trades at about  
19 \$150,000 a share. And it's a good group. I think  
20 the C. Dan Joyner here in the upstate is strong and  
21 has the most sales agents and a higher quantity of  
22 production, so it's a well performing company, a  
23 great name here in the upstate.

24 Q. Let me get you to go ahead -- if you  
25 can make sure you talk directly into your phone --

1           A.       I'll tell you what I'm going to do,  
2 I'm going to plug in a receiver here that might  
3 sound a little bit better.

4                   Can you hear me?

5           Q.       That's better. So on that point, tell  
6 us a little bit about the Dan Joyner operation in  
7 the upstate and what it does and who works there.

8           A.       The C. Dan Joyner Realty group is part  
9 residential, commercial, and property management.  
10 There are roughly 350 agents/employees with this  
11 company here in the upstate. We cover three or  
12 four different counties, corporate headquarters,  
13 off of -- it's right here in Greenville. And we  
14 have a commercial division in downtown Greenville  
15 as well; they probably have like 15 commercial  
16 agents. Last year their production was just close  
17 to about 800 million in sales.

18          Q.       And 800 million in sales, is that a  
19 combination of residential and commercial sales?

20          A.       That is correct.

21          Q.       And how would that compare generally,  
22 for example, to, you know, the immediate previous  
23 years?

24          A.       I joined the company six months ago.  
25 I've been a competitor of theirs for years and

1 years, and last year I believe they were somewhere  
2 in the upper 600 million category. So this is by  
3 far the best year in the last five. Back prior to  
4 recession, they were over a billion in sales.

5 Q. And so is it fair to say, based upon  
6 your experience and knowledge, that the last five  
7 years or at least, you know, five years ago and  
8 several years forward were a challenging period of  
9 time in the real estate industry?

10 A. It was a challenge, absolutely. For  
11 instance, my company went from being the number one  
12 real estate franchise in the state at about 220  
13 million sales out of one single office -- we  
14 dropped to about 115 million, so we dropped almost  
15 half in one year, and we were still number one in  
16 the state. So that will give you some idea of what  
17 went on during the 2010/2011 period.

18 Q. Sure. Now, do you have a sense of  
19 what -- and it's still pretty early on in 2015, but  
20 do you have a sense of what 2015 is going to look  
21 like and how it will compare to 2014?

22 A. Just the sense on the street is agents  
23 are upbeat, lots of calls, lots of Internet leads  
24 coming into the Carolinas and specifically the  
25 upstate here. Year to date, I can tell you,

1 reporting from the local association of realtors,  
2 our MLS sales in January and February of 2015  
3 through February 28th were 240 million. That was  
4 up 23.4 percent over this same period last year.

5 Q. Wow. So is that a pretty substantial  
6 increase?

7 A. That's pretty strong.

8 Q. Right.

9 A. And through the early 2000s, we saw  
10 double digit increases like that. But in January  
11 and February, that's usually unheard of. You might  
12 see 5 percent, 8 percent, something like that, but  
13 not usually above 20 in those two months.

14 Q. Are January and February typically the  
15 high season for residential sales?

16 A. No. We're just approaching the high  
17 seasons. They're usually going to start closings  
18 in -- April, May, June are the heaviest closing  
19 months of the year. This year should be  
20 phenomenal. May should be phenomenal. Right now,  
21 just my little office with 80 agents here, the last  
22 report just on the books to close, we have 34  
23 million to close in the next 45 days. So that's  
24 pretty huge.

25 Q. And then just to clarify, and we've



1 already sort of talked about this, but what kind of  
2 people do you represent in your day-to-day  
3 business?

4 A. Currently or over time?

5 Q. Well, I think right now essentially,  
6 you know, who are you helping.

7 A. Okay. I'll give you an example. Just  
8 two days ago, I had an offer come in, a buyer that  
9 I had been working with coming down from Chicago.  
10 Retirees, in their mid 70s, wanted to get out of  
11 the cold weather. They have friends that already  
12 migrated to South Carolina and, you know, we're  
13 friends, word of mouth, and so everybody seems to  
14 be looking.

15 Out of my last -- well, I have to say  
16 every one except for one that I've dealt with in  
17 the last month and a half has been a retiree mostly  
18 coming here from the north. Two of those were  
19 Michelin retirees that are moving from one side of  
20 Greenville to the northern side of the county.

21 So I have to say a lot of our  
22 businesses is driving through the retiree market.  
23 And those that are selling are those that are being  
24 transferred. One is being transferred to Houston.  
25 Let's see. The other people are moving to New York

1 for GE. So you have a lot of migration going back  
2 and forth with engineering firms that are hiring  
3 and moving people around.

4 Q. Have you encountered any of your  
5 clients or potential clients or those of your firm  
6 who are moving from one place in South Carolina to  
7 another place in South Carolina?

8 A. Yeah. Off and on we've seen a number  
9 coming in and out of Charleston. So a year --  
10 well, two and a half years ago was a lot coming  
11 from the Myrtle Beach area. There was a company  
12 that located here from Myrtle Beach. So, you know,  
13 we get quite a few of those.

14 Q. And why are people moving to  
15 Charleston?

16 A. They're coming back and forth. So  
17 right now we have a Boeing plant in Charleston  
18 going up and we have the BMW huge expansion here.  
19 So we have a lot of, I think, cross trained  
20 engineers going back and forth, seeking out the  
21 best opportunities.

22 Q. So engineers are moving from Boeing  
23 who's in -- I'm not even sure whether they're in  
24 Charleston Country or Dorchester County.

25 A. I think it is Dorchester.

1 Q. Yeah. And then also going to BMW which  
2 is in Greenville County?

3 A. It is in Spartanburg County  
4 technically.

5 Q. Right, okay.

6 A. It's right on the edge, but technically  
7 it's Spartanburg County.

8 Q. Sure. And then you've already  
9 mentioned this a little bit, but describe, based  
10 upon your knowledge and experience, the kinds --  
11 anything that you know about kind of the status of  
12 development in your area, meaning retirement  
13 communities, new developments, housing starts,  
14 things like that.

15 A. Okay. From the recession period  
16 forward, a lot of the track builders went away  
17 during those recession years and they have come  
18 back in just the last 18 months very heavily,  
19 dealing with land locators. And so these land  
20 locators go out and find, you know, as big a tract  
21 of land as they could find and they would tie it up  
22 and sell it off to the Ryan Homes, the D.R. Horton  
23 homes, several regionalized, large local companies  
24 out of Atlanta and Augusta, Georgia. They have  
25 really taken a strong hold. Legendary Homes now

1 called Meridian Homes probably has, I would say, at  
2 least 15 subdivisions of a hundred lots, plus or  
3 minus going up right now. Price range is 300 to  
4 \$500,000, doing extremely well.

5 Q. Is that Greenville County or  
6 Spartanburg County or both?

7 A. I'm specifically talking about  
8 Greenville County right now.

9 Q. And this is just a sort of curiosity,  
10 so there's still capacity for some of that growth  
11 in Greenville County?

12 A. Well, they're building it and they seem  
13 to be selling it.

14 Q. And the only reason I ask is whether or  
15 not, you know, some of it -- whether it is extended  
16 as far as, say, Pickens County.

17 A. Yes. There are parts of Easley, which  
18 is the Greenville side of Pickens County, that are  
19 doing extremely well. And there is more land and I  
20 think more growth will occur in Pickens County and  
21 in Spartanburg County over time because we've just  
22 flat run out of land here in -- near in Greenville  
23 County, closest to Greenville downtown area.

24 Q. Sure, sure.

25 A. There's virtually nothing available in,

1 you know, the near east side and near south side in  
2 our market.

3 Q. Okay. Do you ever have a chance --  
4 you've talked a good bit about the market and  
5 growth and industries and some moving that's taking  
6 place. Do you ever have occasion to have any  
7 interface with household goods movers in connection  
8 with the job that you do?

9 A. More so in the past when I was, you  
10 know, just in management. There were some real  
11 good dealings with United and Mayflower and H.D.  
12 Auston, local movers and that sort. You know,  
13 meeting with them sporadically after like a Chamber  
14 of Commerce meeting, trying to put forces together,  
15 ideas on how to best -- in front of the HR  
16 directors is what we were really trying to  
17 approach.

18 Q. Sure. Do you know whether Dan  
19 Joyner -- I'll just call your organization Dan  
20 Joyner --

21 A. Sure.

22 Q. -- has a list of, I don't know, you  
23 know, preferred movers or movers that you may use  
24 to recommend to your clients?

25 A. Yes. We do have an intra office list

1 of preferred vendors. You know, I am only five  
2 months into this company and, I'll be honest with  
3 you, I have not seen that list of movers. I  
4 haven't tapped into that.

5 Q. Well, based on what you know about H.D.  
6 Auston, if the decision were up to you, would you  
7 recommend that they be one of your preferred movers  
8 in the office?

9 A. Oh, yes. Oh, yes. And I've dealt with  
10 them for 12 years now.

11 Q. And just tell me briefly about just  
12 your experience with them and your dealings with  
13 them.

14 A. Well, I've moved myself -- they moved  
15 my house from Lake Keowee to Greenville here in  
16 2004. They were referred to me by several of my  
17 agents that have used them for many years prior to  
18 that. And you've just got to meet them; they're  
19 just great people. And, you know, I've had an  
20 excellent experience with them. The guys that  
21 worked on my job are fantastic. Since then, I have  
22 moved three different offices with them and I'm  
23 quite happy with their services.

24 And also just recently I have referred  
25 them to most of my buyers that are moving into new

1 locations, and they have been extremely pleased  
2 with them. I'm looking forward to selling more  
3 houses so I can keep them busy.

4 Q. Okay. And you would -- if they get  
5 this authority to have statewide, intrastate  
6 household goods moving authority, you would  
7 recommend them to your clients who are moving  
8 within South Carolina?

9 A. Absolutely, absolutely. Yes, yes.

10 Q. And you've already talked about this  
11 and so I'm just going to ask you sort of in a  
12 little bit more specific sense.

13 Based upon your knowledge and  
14 experience in real estate and, you know, the other  
15 information and knowledge that you've described  
16 about growth in the upstate and in South Carolina,  
17 do you believe that there's a present need or a  
18 demand for another intrastate mover in South  
19 Carolina?

20 A. I would imagine so. I guess I do not  
21 understand how intrastate licensing would go, but I  
22 do know that there's quite a bit of traffic with  
23 our new -- what is it called -- the interior port  
24 they call it up in Greer. I can't think of the  
25 name of off the top of my head. But it's a rail

1 line that comes from Charleston directly here, it  
2 drops off in Greenville, and then they pick up BMW  
3 cars and take them back down there and load them up  
4 on ships directly. It takes trucks off the  
5 highway.

6 We're seeing a lot of interest through  
7 the changes of local career chamber with new  
8 businesses that are setting up shop, not only BMW.  
9 So I think in turn of that, we're going to see  
10 people maybe floating out of the Charleston area,  
11 moving to the upstate. So I think we're going to  
12 see a lot more business transactions between the  
13 coast and the upstate over time.

14 And, you know, if our numbers are up  
15 23 percent so far this year, last year sales were  
16 up eight and a half percent over the previous year.  
17 This is as a theory of statistics for all companies  
18 in real estate. I would just assume that we would  
19 see the need to add the trucking lines to help with  
20 these moves.

21 Q. Sure. And just to clarify, I'll just  
22 give you just a little bit of background. Right  
23 now, I think H.D. Auston, the company, has  
24 authority for intrastate moves that allow it to do  
25 moves, I believe, within a 50-mile radius of



JAMES B. FRITZSCHE - EX. BY MR. NELSON  
1 Greenville; isn't that right?

2 MR. NELSON: I think that's right.

3 THE WITNESS: Okay.

4 BY MR. PRINGLE:

5 Q. And so what they were seeking to do is  
6 now to be able to originate and/or terminate a move  
7 anywhere in South Carolina, meaning they could pick  
8 up in Greenville, go to Charleston, pick up in  
9 Spartanburg, go to Florence, pick up in Charleston,  
10 go to anywhere. It's points and places in South  
11 Carolina.

12 A. Okay.

13 Q. So based upon that description and  
14 based upon your knowledge, do you think that the  
15 market can handle another carrier?

16 A. Absolutely, absolutely. Yes.

17 MR. PRINGLE: Well, those are all the  
18 questions I have. Just answer any questions that  
19 Mr. Nelson may have for you right here.

20 THE WITNESS: Okay. Thank you.

21 EXAMINATION

22 BY MR. NELSON:

23 Q. Mr. Fritzsche, this is Jeff Nelson.  
24 I've just got a couple questions, maybe, to follow  
25 up on what Jack asked you.

JAMES B. FRITZSCHE - EX. BY MR. NELSON

1 Have you ever appeared before the  
2 Public Service Commission or given testimony in a  
3 moving case like this before?

4 A. Never.

5 Q. Okay. About how many relocations do  
6 you or does your office assist with in an average  
7 month, do you think?

8 A. As an --

9 MR. PRINGLE: You may have to start  
10 over again it got a little bit garbled.

11 THE WITNESS: Can you hear me okay?

12 MR. PRINGLE: Yes.

13 THE WITNESS: I would guess somewhere  
14 in the range of, I'd say, 20 corporate moves per  
15 month at least at certain times of the year. And  
16 when BMW starts flexing their muscles, or Ford or  
17 Michelin, you know, we may have 40 or 50 a month  
18 during certain months. Right now we see an influx  
19 of some GE people, so that will change. But that's  
20 just corporate business relocation moves.

21 The other relocation would be those  
22 that are moving here for family or what other  
23 reasons, accepting a job and not going through our  
24 corporate relo. Let's see. How many -- you know,  
25 each office, I'd say, would average about 60 to 70

JAMES B. FRITZSCHE - EX. BY MR. NELSON  
1 transactions about a month. I would say of the  
2 one-side-of-town-to-the-other moves, are going to  
3 be, you know, only 20 percent of those.

4 Q. Okay.

5 A. Does that make sense?

6 Q. Yes, that does, that does. As far as  
7 your office going, then, what type of -- or, do you  
8 offer any relocation services? Is that part of the  
9 business plan or part of the business services that  
10 you offer --

11 A. Yes.

12 Q. -- to people?

13 A. Yes, we do. Yes, we do. And Berkshire  
14 Hathaway Corporate, the franchise does have a huge  
15 relocation -- corporate relocation sector that --  
16 they bought a very large relocation company, you  
17 know, several years ago, three or four years ago  
18 now out of the Midwest and so they are expecting to  
19 build onto that market as well as the Prudential  
20 name since we have, you know, taken over the  
21 Prudential relocation business as well. I think it  
22 will be more and more popular.

23 Although corporate relocation, in my  
24 opinion, has dwindled. Companies aren't willing to  
25 maybe pay some of the -- absorbing the fees that it

JAMES B. FRITZSCHE - EX. BY MR. NELSON  
1 takes to move an employee like they did back in the  
2 '80s and '90s. So I think they've pulled further  
3 and further away from that. And only the top end  
4 management people are actually getting full benefit  
5 from corporate relocation.

6 Q. So there's not necessarily less  
7 transfers or less moves, it's just you see that  
8 there's less cost or I guess less frequency of the  
9 company itself paying for those moves; is that  
10 right?

11 A. You are exactly right. And my idea  
12 over the next 10 years would be that we'll see less  
13 and less because everything is online. Why would a  
14 company want to pay X amount of dollars to move  
15 somebody when the employee already knows who they  
16 want to deal with and who they probably want to  
17 move with just through social media efforts.

18 Q. And I think you might have answered  
19 this question from Jack already, but based on what  
20 you're seeing in the upstate and the state of South  
21 Carolina right now, do you believe that there is  
22 room or sufficient business to support another  
23 mover?

24 A. Yes, I do. Yes, I do.

25 Q. And if Auston & Sons is given a

1 certificate to operate throughout the state of  
2 South Carolina, would you refer them to your  
3 clients or customers?

4 A. Absolutely, yes.

5 MR. NELSON: That's all the questions I  
6 have. Thank you.

7 MR. PRINGLE: Okay. And this is Jack  
8 Pringle again and I don't have any more substantive  
9 questions. One thing that I'm going to ask you is  
10 just sort of kind of a logistical matter. You  
11 actually have the right under the rules to review  
12 your deposition and correct typographical errors or  
13 things that are in it. I generally recommend,  
14 especially in a case like this, that you waive  
15 reading and signing, such that we don't have to  
16 send you a draft. I get the sense that there's not  
17 going to be much in here that could be  
18 misconstrued, but I need to get you to waive it if  
19 you want waive it.

20 THE WITNESS: Okay. I'll waive it.

21 MR. PRINGLE: Okay. Super. And I  
22 really, really appreciate you taking the time to  
23 talk to us this morning and, you know, certainly  
24 Hardy Auston and their group do too. And I  
25 certainly hope that things continue to be on the

1 upswing the way you've described them. I think  
2 that's certainly -- the environment is the same to  
3 maybe a little less hot extent here in Columbia,  
4 but, you know, I'm hearing optimism from lots of  
5 different parts of the business community. So  
6 here's hoping. Well, thanks a bunch and I guess  
7 we'll go ahead and close the deposition. And we'll  
8 let you know how the case turns out.

9 (Deposition concluded at 10:31 a.m.)

10 (Signature Waived.)  
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CERTIFICATE OF REPORTER

I, Christina Essi Pagano, Registered  
Professional Reporter and Notary Public for the  
State of South Carolina at Large, do hereby certify  
that the foregoing transcript is a true, accurate,  
and complete record.

I further certify that I am neither  
related to nor counsel for any party to the cause  
pending or interested in the events thereof.

Witness my hand, I have hereunto  
affixed my official seal this 19th day of  
March, 2015 at Columbia, Richland County, South  
Carolina.

\_\_\_\_\_  
Christina Essi Pagano,  
Registered Professional Reporter  
My Commission expires  
October 24, 2021

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